

Appl. No. 09/293,217
Amdt. Dated 08/12/04
Reply to Office action of 02/12/04

APP 1108

REMARKS/ARGUMENTS

Claims 3 and 12, as amended, remain in this application. The remaining claims have been cancelled and claims 1 and 11 have been withdrawn.

The Examiner has rejected claims 3-6 and 12, 13 and 17 under 35 USC 102(e) as being anticipated by Padovani et al. (U.S. Patent Number 5,535,239). Specifically, with respect to independent claims 3, and 12, the Examiner asserts that: a) Figure 2b of the cited reference discloses frames of data over an internet wireless access system having a plurality of data slots, b) Column 7 lines 28-29 of the cited reference discloses the step and means for identifying the type of traffic as recited as the first element of the claims in question, c) Column 13 lines 65-67 of the cited reference discloses a control slot for identifying the first communication device, and d) Column 4 lines 40-56 of the cited referenced discloses using a control time slot to identify the traffic type of each data slot as recited in the claims in question.

Applicants respectfully disagree with the Examiner's conclusions and the Examiner's interpretation of what Padovani et al. discloses. Specifically, while Figure 2 b of the cited reference identifies a frame for sending data for a reverse traffic channel and does identify bits reserved for primary and secondary traffic data, it doesn't disclose reserved time slots for a plurality of multiple data types as for both the down link and up link data. In addition, Column 13, lines 65-67 does not refer to the frame for data transmission as depicted in Figure 2b but instead refers to Figure 8 which is a format for sending access channel mask information. Clearly the frame structure disclosed and claimed by the applications contains this control channel information in the same frame with the plurality of data information. This is not as taught or suggested by Padovani et al.

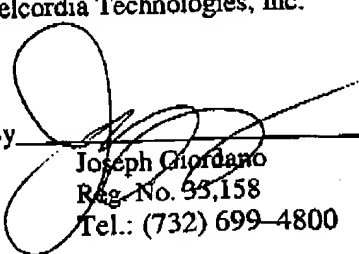
Nevertheless, in order to move this application forward applicants have amended claims 3 and 12 to more clearly reflect the purpose to which this frame structure is applied. Also, to more clearly map the claim language to the disclosure, applicants have amended claims 3 and 12 to use the terminology used in pages 15 through 17 of the specification in describing the functions and elements of the frame structure and method for communication between radio ports and mobile subscriber units.

For the foregoing reasons Applicants assert that the present set of claims are patentably distinct from the cited reference. Accordingly, Applicants respectfully request that these claims pass to issue and that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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